

Remarks

1. Summary of the office action

In the office action mailed November 17, 2008, (i) the Examiner indicated that claims 1-11, 18, 19, 22, 25, and 26 are pending in this application¹, (ii) the Examiner rejected claims 1-11, 18, 19, and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,275,243 (Gibbons), and (iii) the Examiner indicated that claims 25 and 26 are rejected², but the Examiner did not state any legal grounds on which claims 25 and 26 were rejected.

2. Information Disclosure Statements

In the office action mailed November 17, 2008, the Examiner indicated that the information disclosure statements filed on February 20, 2008 and May 1, 2008 have been considered. Applicant thanks the Examiner for considering these information disclosure statements. Applicant has received an initialed and signed copy of the information disclosure statement filed on February 20, 2008. However, Applicant has not received and the Patent Application Information Retrieval (PAIR) system does not include an initialed and signed copy of the information disclosure statement filed on May 1, 2008. Applicant respectfully requests that the Examiner provide for the record an initialed and signed copy of the information disclosure statement filed on May 1, 2008 to show which of the references cited on this information disclosure statement have been considered.

3. Pending Claims

Claims 1-11, 18, 19, 22, 25, and 26 are presently pending in this application. Of the pending claims, claims 1 and 26 are independent.

¹ See, office action, p. 1, Office Action Summary.

² Id.

4. Claims 1-11, 18, 19, and 22

The Examiner rejected claims 1-11, 18, 19, and 22 under 35 U.S.C. § 102(e) as being anticipated by Gibbons. Applicant respectfully traverses the rejection of these claims.

Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant submits that Gibbons does not teach or suggest each and every element of claim 1. In particular, Gibbons does not teach or suggest: (i) processing the downloaded generic content descriptor file at the mobile information device so as to determine whether the at least one attribute is present in the generic content descriptor file, (ii) if the mobile information device thereby determines that the at least one attribute in the generic content descriptor file is present, then thereafter downloading the non-Java content to the mobile information device, and (iii) if the mobile information device thereby determines that the at least one attribute is missing from the generic content descriptor file, then not downloading the non-Java content to the mobile information device.

Gibbons discloses, *inter alia*, a “Wireless Application Descriptor” and a “content descriptor file.” *See*, Gibbons, column 4, lines 61-62 and column 5, line 36. According to Gibbons, “an Application Download Protocol for transferring Download Objects onto a Mobile Terminal Device includes a Wireless Application Descriptor associated with a Download Object. The *Mobile Terminal Device* accesses the *Wireless Application Descriptor* prior to retrieving the Download Object. The Wireless Application Descriptor specifies metadata elements associated with the Download Object including Package elements, Object elements, Restriction elements, Device elements, and Icon elements.” *See*, Gibbons col. 4, line 59, to col. 5, line 1, emphasis added. On the other hand, according to Gibbons, “a *content descriptor file* is

maintained for a downloadable application and *submitted with the application to a content provider*. The content descriptor file specifies functionality required by the application and enables the application to be matched with mobile devices that provide the required functionality.” See, Gibbons, col. 5, lines 36-41, emphasis added.

In rejecting claim 1, the Examiner argued that Gibbons anticipates a method comprising “processing the downloaded generic content descriptor file at the mobile information device so as to determine whether the at least one attribute is present (see catalog matching component 465, which is executed on the Mobile device, 16:40 shows that users 415 downloads and executes this package) in the generic content descriptor file (5:30 – 40, see matched and descriptor file).” See, office action, p. 3, emphasis original. Applicant respectfully submits that the Examiner has misconstrued these cited portions of Gibbons.

First, Applicant submits that the Examiner has misconstrued column 16, line 40 of Gibbons because Gibbons does not teach or suggest that the catalog matching component 465 is executed on a mobile device, and because Gibbons does not disclose or suggest that the users 415 download and execute the catalog matching component 465. Column 16, lines 35-42 of Gibbons, which includes column 16, line 40, states, “Content can be submitted to server 410 by developers 405 through communication over network 420. In one embodiment, this content comprises application software and related files. *Submitted content can be processed by the various components of server 410 and downloaded by users 415* for execution, as further described herein. In one embodiment, *users 415 are mobile devices* in wireless communication with server 410.” (Emphasis added). Gibbons also states, “*Server 410 comprises* packager component 450, configuration manager component 455, capability matching component 460,

catalog matching component 465, and storage component 490” See, Gibbons, column 16, lines 28-31, emphasis added.

Although Gibbons discloses server 410 comprises the catalog matching component 465 and the users 415 (mobile devices) download the submitted content, even if it is assumed, for the sake of argument, that the catalog matching component 465 processes the submitted content, Applicant submits that Gibbons does not disclose or suggest that the catalog matching component 465 is executed on a mobile device, or that the users 415 (mobile devices) download and execute the catalog matching component 465, as argued by the Examiner.

Next, Applicant submits that the Examiner has misconstrued column 5, lines 30-40, of Gibbons because Gibbons does not disclose or suggest processing the *content descriptor file at the mobile information device* so as to determine whether the at least one attribute is present in the *content descriptor file*. Column 5, lines 30-40 of Gibbons discloses, *inter alia*, “applications can be matched to mobile devices according to functionality required by applications and functionality provided by devices. In one embodiment, a *content descriptor file* is maintained for a downloadable application and *submitted* with the application *to a content provider*. The content descriptor file specifies functionality required by the application and enables the application to be matched with mobile devices that provide the required functionality.” (Emphasis added).

Gibbons distinguishes the mobile devices from the content provider. In particular, Gibbons discloses: (i) server 410 is in communications with developers 405 and users 415 through network 420, (ii) server 410 can be maintained by a content provider, and (iii) users 415 are mobile devices in wireless communication with server 410. See, Gibbons, column 16, lines 23-42 and Figure 4.

Even if it is assumed, for the sake of argument, that the “content descriptor file” of Gibbons amounts to the “generic content descriptor file” of claim 1, even though Gibbons discloses that the content descriptor file is submitted to the *content provider*, Gibbons does not disclose or suggest that the generic content descriptor file is downloaded to the *mobile devices*, nor does Gibbons disclose or suggest processing the downloaded generic content descriptor file at the *mobile information device* so as to determine whether the at least one attribute is present in the generic content descriptor file, as recited in claim 1.

Claim 1 recites “downloading to the mobile information device a generic content descriptor file for the non-Java content, wherein the generic content descriptor file includes at least one attribute other than an attribute that indicates a location from which the mobile information device can download the non-Java content.” In rejecting claim 1, the Examiner cited to column 4, lines 60-67 of Gibbons when discussing this element of claim 1. This portion of Gibbons discloses, *inter alia*, the Wireless Application Descriptor (WAD). Gibbons also discloses: (i) the mobile terminal device accesses the WAD prior to retrieving a Download Object (DO), (ii) the mobile terminal device includes an Application Manager (AM), (iii) the WAD instructs the AM on the download process for the DO, and (iv) the WAD specifies one or more operations (e.g., installing a DO, updating a DO with a new version, and deleting a DO) to be performed by the AM. *See*, Gibbons, column 4, lines 62-64, and column 8, lines 15-31.

However, even if it is assumed, for the sake of argument, that the WAD of Gibbons amounts to the claimed “generic content descriptor file” and that a mobile terminal device accessing the WAD amounts to downloading to the mobile information device a generic content descriptor file for the non-Java content, Applicant submits that Gibbons does not teach or suggest processing the downloaded generic content descriptor file (i.e., the WAD, according to

the assumption) at the mobile information device so as to determine whether the at least one attribute is present in the generic content descriptor file (i.e., the WAD, according to the assumption). Furthermore, since Gibbons does not disclose making this determination at the mobile information device, Applicant submits that Gibbons does not disclose or suggest if the mobile information device thereby determines that the at least one attribute in the generic content descriptor file is present, then thereafter downloading the non-Java content to the mobile information device, and if the mobile information device thereby determines that the at least one attribute is missing from the generic content descriptor file, then not downloading the non-Java content to the mobile information device, as recited in claim 1.

Because Gibbons does not teach or suggest each and every element of claim 1, Gibbons fails to anticipate claim 1 under 35 U.S.C. § 102(e). Additionally, without conceding the assertions made by the Examiner regarding dependent claims 2-11, 18, 19, and 22, Applicant submits that dependent claims 2-11, 18, 19, and 22 are allowable for at least the reason that they depend from allowable claim 1.

5. Claims 25 and 26

The Office Action Summary indicated that claims 25 and 26 are rejected, but the Examiner did not state any legal grounds on which these claims were rejected. Applicant believes that claims 25 and 26 are in a condition for allowance. If the Examiner intended to reject claims 25 and 26 and if the Examiner maintains the rejection of either or both of these claims, Applicant respectfully requests that the Examiner provide an office action that identifies the legal grounds for rejecting either or both of these claims so that Applicant can respond to the rejection(s).

6. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-11, 18, 19, 22, 25, and 26 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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